



CALFED
BAY-DELTA
PROGRAM



North-of-the-Delta Offstream Storage Investigation Scoping Report

October 2002

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**North-of-the-Delta
Offstream Storage Investigation**

Scoping Report

October 2002

Gray Davis
Governor
State of California

Mary D. Nichols
Secretary for Resources
The Resources Agency

Thomas M. Hannigan
Director
Department of Water Resources

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Contents

| | |
|--|----|
| North-of-the-Delta Offstream Storage Investigation Scoping Report..... | 1 |
| 1.0 Summary of Scoping Process..... | 1 |
| 2.0 North-of-the-Delta Offstream Storage Investigation Background..... | 1 |
| 2.1 Draft EIS/EIR Outline | 1 |
| 3.0 Notification Process..... | 1 |
| 3.1 Scoping Meetings..... | 2 |
| 4.0 Summary of Comments and Responses..... | 2 |
| 4.1 Comment Categories | 3 |
| 4.2 Category Summaries and Responses..... | 4 |
| Category 1: Identify Beneficial Users and Share Costs..... | 4 |
| Category 2: Purpose and Needs..... | 5 |
| Category 3: Project Alternatives..... | 5 |
| Category 4: Economic and Land Use Impacts..... | 5 |
| Category 5: Cumulative Impacts | 5 |
| Category 6: NEPA/CEQA Compliance..... | 6 |
| Category 7: Fisheries Impact..... | 6 |
| Category 8: Water Quality..... | 6 |
| Category 9: Air Quality | 6 |
| Category 10: Groundwater Levels..... | 7 |
| Category 11: Water Supply | 7 |
| Category 12: Flow Regimes | 7 |
| Category 13: Project Yield..... | 7 |
| Category 14: Geology and Seismicity | 7 |
| Category 15: Recreational Opportunities..... | 8 |
| Category 16: Power Use and Cost..... | 8 |
| Category 17: CALFED Linkage..... | 8 |
| Category 18: Relationship to Other Water Projects..... | 8 |
| Category 19: Flood/Emergency Reservoir Release Impacts..... | 9 |
| Category 20: Sites Reservoir Alternative | 9 |
| Category 21: Request to be a Cooperating Agency | 9 |
| Category 22: Indian Trust Assets..... | 9 |
| Category 23: Cultural Resources | 10 |
| Category 24: Newville Reservoir Alternative..... | 10 |
| Category 25: Issues Not Addressed in this Environmental Document | 10 |

Appendices

| | |
|---|-----|
| Appendix A: Notice of Intent..... | A-1 |
| Appendix B: Notice of Preparation | B-1 |
| Appendix C: Meeting Announcement Mailed to Landowners | C-1 |
| Appendix D: Sample of Newspaper Ads for Public Meetings..... | D-1 |
| Appendix E: Scoping Meeting Presentation..... | E-1 |
| Appendix F: Transcript of Public Scoping Meeting - Sacramento, California, January 8, 2002 | F-1 |
| Appendix G: Transcript of Public Scoping Meeting - Maxwell, California, January 9, 2002 | G-1 |
| Appendix H: Transcript of Public Scoping Meeting - Fresno, California, January 15, 2002 | H-1 |
| Appendix I: Transcript of Tribal Scoping Meeting - Williams, California, January 23, 2002 | I-1 |
| Appendix J: Outline of Draft EIS/EIR | J-1 |
| Appendix K: Comment Letters Received During Scoping Process..... | K-1 |

Table

| | |
|---|---|
| Table 1 Summary of Scoping Meetings | 2 |
|---|---|

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North-of-the-Delta Offstream Storage Investigation

Scoping Report

1.0 Summary of Scoping Process

The scoping process is used to identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the environmental documentation and to eliminate from detailed study issues found not to be important.

This report is an overview of the written and verbal comments received on the North-of-the-Delta Offstream Storage Investigation. The purpose of this report is to: summarize the public concerns; evaluate the magnitude of concerns; and help decisionmakers decide on the range of alternatives for North-of-the-Delta Offstream Storage to be considered in the 404(b)(1) analysis and the Environmental Impact Statement/Environmental Impact Report.

2.0 North-of-the-Delta Offstream Storage Investigation Background

The North-of-the-Delta Offstream Storage Investigation was identified in the CALFED Record of Decision as one of five potential surface storage programs that could be implemented as part of a comprehensive plan to restore ecological health and improve water management for beneficial uses in the Bay-Delta system. The ROD specifically mentions Sites Reservoir as one of the surface projects requiring further consideration. The consideration of Sites Reservoir requires further technical work and environmental review including compliance with all requirements of the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). Therefore, the U.S. Bureau of Reclamation (Reclamation) as the lead agency under NEPA and the Department of Water Resources (DWR) as the lead agency under CEQA are undertaking the process of developing alternatives to Sites Reservoir as part of the NODOS. These alternatives will be formulated and then evaluated in the Clean Water Act 404(b)(1) process and the Environmental Impact Statement/Environmental Impact Report process.

2.1 Draft EIS/EIR Outline

A copy of the draft outline of the EIS/EIR has been included in Appendix J to help in understanding how the documents will be organized.

3.0 Notification Process

To achieve the objectives stated in section 1.0, the public is notified of the proposed action and input is solicited during a comment period at which time the public may comment, in writing or in oral testimony, on the proposed action. Public meetings are held during this time to facilitate public input.

On November 9, 2001, the Federal Notice of Intent (Appendix A) was published in the Federal Register and on November 5, 2001, the State Clearinghouse mailed the Notice of Preparation (Appendix B). The NOI and NOP notified the public of the proposal, announced the dates and locations of public meetings, and solicited public comments. Public notification was also made through direct mailings (Appendix C) to local landowners and by advertisements in four different newspapers prior to the public meetings (Appendix D). In addition, a news release was placed on the DWR website homepage. The formal scoping

process for the North-of-the-Delta Offstream Storage Investigation began with the publication of the NOI and NOP and concluded on February 8, 2002. During the scoping period, three public, and one tribal, scoping meetings were held, as described below.

Public involvement will continue beyond the scoping process. Reclamation and DWR are committed to working with the public and interest groups in public informational meetings to continue to develop and refine the investigation's objectives. Once the draft environmental documents have been prepared, they will be made available to all interested parties for review. The availability of the environmental documents will be announced and a public comment period will follow to allow the public opportunity to comment on the findings of the documents. At the conclusion of this public comment period, Reclamation and DWR will address the comments and make final the environmental documents.

3.1 Scoping Meetings

Interested parties were encouraged to attend scoping meetings to provide verbal comments. Due to the nature of the project, scoping meetings were held in three locations to generate local interest and input. A fourth meeting was held with the potentially impacted Indian Tribes in the investigation area. The locations, dates and times, and number of attendees at each meeting are shown in Table 1.

Table 1 Summary of Scoping Meetings

| Meeting Location | Date and Time | Attendees ^a |
|---|--|------------------------|
| Sacramento | January 8, 2002 1:00 p.m. to 4:00 p.m. | 35 |
| Maxwell | January 9, 2002 6:00 p.m. to 9:00 p.m. | 115 |
| Fresno | January 15, 2002 6:00 p.m. to 9:00 p.m. | 8 |
| Cortina Indian Rancheria Office – Williams, CA | January 23, 2002 6:00 p.m. to 9:00 p.m. | 9 |

^a Attendees^a is a count of those parties that signed the guest register at the meeting; not everyone in attendance at the scoping meetings signed the guest register

Reclamation and DWR staff greeted attendees as they arrived and offered them comment cards. Attendees were encouraged to sign in on the guest register as part of an effort to create a master mailing list of those interested in the investigation. After introductions at the beginning of each meeting, Sean Sou, DWR's Project Manager, made a presentation concerning NODOS. Following the presentation the meeting was opened up for comments. All comments were recorded and transcribed.

4.0 Summary of Comments and Responses

Numerous individual verbal and written comments were received during the scoping process. Thirty-three people gave verbal comments during the public scoping meetings – 4 people provided comments in Sacramento, 23 people provided comments in Maxwell, no one provided comments in Fresno, and 6 people provided comments during the Tribal Scoping Meeting in Williams. Also, 34 letters were received during scoping, containing numerous individual comments. The letters were received from:

- Jeff Borland
- Sasha Borland
- Butte County, Board of Supervisors (Mary Anne Houx)

- California, Department of Food and Agriculture
- California, Secretary of State (Bill Jones)
- California Waterfowl Association
- Colusa County, Administrative Office (David J. Shoemaker)
- John and Nita Connelly
- Walter Cook
- Delta Keeper (Bill Jennings)
- Economic Development Corporation (William R. Waite)
- Friends of the River (Steve Evans)
- John Hancock/Brenda Brandon for Haskell Environmental Research Studies Center and Pomo Upperlake Reservation
- John and Janice Garino
- Kenneth Gilmore
- John S. Mills for Regional Council of Rural Counties (RCRC)
- John L. Morton
- Kern County Water Agency
- Metropolitan Water District
- Northern California Power Agency (Alan Zepp)
- Edward Owens
- Redding Electric Utility (James C. Feider)
- Richard Riolo
- Sacramento Municipal Utilities District (Paul Olmstead)
- Sacramento River Preservation Trust (John Merz)
- Senate Select Committee on CALFED (K. Maurice Johannessen)
- Brent Shanahan
- Shasta County Board of Supervisors, Patricia A. “Trish” Clark
- State Water Contractors
- The Bay Institute of San Francisco (Gary Bobker)
- United States Department of Interior, Bureau of Indian Affairs
- United States Environmental Protection Agency
- Tyrone Wolatt
- Yolo County Board of Supervisors

4.1 Comment Categories

In order to facilitate review, the comments have been grouped into the following categories:

Category 1: Identify Beneficial Users and Share Costs

Category 2: Purpose and Needs

Category 3: Project Alternatives

Category 4: Economic and Land Use Impacts

Category 5: Cumulative Impacts

Category 6: NEPA/CEQA Compliance

Category 7: Fisheries Impact

Category 8: Water Quality

Category 9: Air Quality

Category 10: Ground Water Levels

Category 11: Water Supply

Category 12: Flow Regimes

Category 13: Project Yield

Category 14: Geology and Seismicity

Category 15: Recreational Opportunities

Category 16: Power Use and Costs

Category 17: CALFED Linkage

Category 18: Relationship to other Water Projects

Category 19: Flood/Emergency Reservoir Release Impacts

Category 20: Sites Reservoir Alternative

Category 21: Request to be a Cooperating Agency

Category 22: Indian Trust Assets

Category 23: Cultural Resources

Category 24: Newville Reservoir Alternative

Category 25: Issues not addressed in Environmental Documentation

4.2 Category Summaries and Responses

The following sections give a synopsis of the comments received in each category, and a response as to how that category of comment will be addressed in the environmental documentation.

Category 1: Identify Beneficial Users and Share Costs

Summary: Forty-five comments concerning identification of beneficial users and cost allocation were received. These comments ranged from stating that the direct beneficial users of water from this investigation need to be identified, to comments questioning who the possible secondary beneficiaries might be if additional flexibility is created in the statewide water system by the operation of this program. Of the forty-five comments, eighteen dealt specifically with the costs of the program and the need to have the beneficial users pay for the water.

Response: Reclamation and DWR are partners with local water interests and other State and federal agencies. They will continue to work on identifying beneficiaries while drafts of the Engineering Feasibility report and EIS/EIR are written. If beneficial users are not identified by the time the EIS/EIR is final, a supplemental environmental report may need to be prepared. The cost of the project will be determined from the DWR feasibility study that is concurrently being developed.

Category 2: Purpose and Needs

Summary: There were twenty comments concerning the investigation's purpose and need. Six of the comments offered possible purposes and needs, and reasons of justification. The remaining comments in this section stated that a purpose and need statement must be developed in order to screen project alternatives. Other comments requested that the needs for new surface storage be addressed in the environmental documents.

Response: Reclamation, DWR, and the Planning Partnership are jointly developing a purpose and need statement for North-of-the-Delta Offstream Storage. The purpose and need statement is being developed with input from stakeholders, environmental interests, and regulatory agencies. The purpose and need statement will be used to screen alternatives in the 404(b)(1) analysis and the EIS/EIR. Future water need in California will be discussed in the environmental documents.

Category 3: Project Alternatives

Summary: Fifty-seven comments were directed towards investigation alternatives. Some comments were specific in the additional types or range of alternatives – such as water use efficiency, conjunctive use, land fallowing, wastewater reclamation and recycling, and Lake Shasta enlargement – that should be considered in the environmental documents. Others discussed more generally what alternatives should or should not be looked at, or what some of the possible benefits or impacts of certain alternatives might be.

Response: North-of-the-Delta Offstream Storage will evaluate Sites Reservoir and a reasonable range of alternatives as part of the Clean Water Act, Section 404 (b)(1) analysis. The alternatives will be screened and evaluated based on the ability to meet the purpose, objectives and screening criteria for North-of-the-Delta Offstream Storage. Alternatives that do not meet any of the purpose and objectives will not be carried forward for analysis in the EIS/EIR. Alternatives evaluated in the EIS/EIR will be evaluated at comparable levels of detail.

Category 4: Economic and Land Use Impacts

Summary: Economics were addressed in twenty-three separate comments. These comments ranged from discussing the local economic impacts of changes in land use and the removal of those properties from the county tax base to determining the cost to benefit ratios for the various alternatives that will be developed. Other comments express concerns about impacts to landowners who will be relocated and access routes for the public. Further, several comments were directed at the impact of integrating this investigation with the Central Valley Project.

Response: As the investigation alternatives are developed and evaluated, economic analysis will be done so that these impacts can be addressed. Reclamation and DWR will continue to seek input from the public and other agencies to quantify the actual fiscal impacts of implementation of this investigation.

Category 5: Cumulative Impacts

Summary: Five comments were made about cumulative impacts. These comments addressed the need to fully analyze and disclose cumulative impacts and questioned how new storage could change land use and water use throughout the state.

Response: Under NEPA and CEQA cumulative impacts must be addressed. NODOS is working with other CALFED programs to determine cumulative impacts and to develop a standard method of determining and reporting cumulative impacts across all programs. These impacts will be discussed in the EIS/EIR Cumulative Impacts chapter.

Category 6: NEPA/CEQA Compliance

Summary: Thirty comments were identified as addressing NEPA/CEQA compliance issues. Those comments ranged from discussions of general environmental impacts, fish and wildlife impacts, and environmental justice issues to area of origin concerns.

Response: Reclamation and DWR staff will be working with regulatory agencies at the federal and State levels to ensure compliance with NEPA and CEQA. The scoping period and this scoping report are the first steps in this process.

The EIS/EIR will identify environmental impacts for each of the alternatives. Environmental impacts will be evaluated by resource categories. The various resource categories to be evaluated are shown in the draft outline of EIS/EIR chapters included in this scoping report.

Category 7: Fisheries Impact

Summary: Four comments on fisheries impacts were submitted. Of greatest concern are the impacts of changed diversion timing and location on anadromous fish. One comment suggested the need to discuss various benefits to fish because of changed releases out of other reservoirs.

Response: Impacts to fisheries and their habitat resulting from the diversion of water from the Sacramento River to fill an offstream storage facility will be evaluated in the EIS/EIR. A flow-regime technical advisory group has been formed to assist in the evaluation of potential impacts, mitigation, and benefits associated with North-of-the-Delta Offstream Storage related to meander and ecosystem development. One of the tasks for the flow-regime technical advisory group is to characterize diversion limits (pattern/timing, volume) to avoid or minimize adverse impacts to environmental values, including fish migration.

Category 8: Water Quality

Summary: There were five comments on water quality. Concern was expressed over pollutants in one of the proposed storage locations. Questions were raised concerning changes in both surface and groundwater quality, and changes in water quality in the Bay-Delta area, and mitigation measures for impacts to Delta water quality caused by implementation of CALFED Stage 1 facilities and operations.

Response: Water quality will be evaluated in the EIS/EIR. The evaluation will consider temperature and physical and organic constituents. The evaluation will consider incremental changes that could occur due to the diversion, conveyance, storage, and discharge of the water and at each of the sites where these activities could occur. The water quality changes and values will be compared to beneficial uses of the streams, irrigation water, and groundwater both at the diversion, conveyance, storage, and discharge site and incremental changes that could occur downstream of these locations.

Category 9: Air Quality

Summary: Three comments were received about air quality. The comments pointed out the need to discuss air quality standards, ambient conditions, and potential air quality impacts for the region. In addition, the Clean Air Act requirements need to be conformed with and that environmental documents should evaluate the extent that the proposed project may release a significant amount of these pollutants and include a description of the new ozone and PM_{2.5} standards.

Response: The impacts to air quality of each alternative will be analyzed in the Air Quality chapter of the EIS/EIR. The impacts to air quality due to construction, road relocations and increased driving times for local residents and possible increased traffic due to recreational opportunities will be examined.

Category 10: Groundwater Levels

Summary: Three comments were received concerning groundwater levels. The comments requested that geological and engineering studies to evaluate the effects of groundwater levels on lands in the vicinity or downstream of the reservoir locations be conducted.

Response: DWR, through its feasibility studies, has studied groundwater and the seepage potential at various storage locations. Seepage potential will be summarized in the feasibility report. Direct and indirect impacts on groundwater levels will be evaluated in the Groundwater Resources and Groundwater Quality chapter of the EIS/EIR.

Category 11: Water Supply

Summary: Thirteen comments were submitted discussing water supply issues. Several comments were directed toward the inadequacy of the existing supply infrastructure and the increasing pressure placed on it by continued population growth throughout the state. Concern was expressed about changes in other area water supplies if this program were implemented, as well as the possible adverse impacts on water supplies due to global warming.

Response: This investigation was formulated as a component of CALFED's comprehensive plan to address water supply issues. The impacts of the alternatives for offstream storage to local and regional water supplies will be examined in the Water Supply chapter of the EIS/EIR.

Category 12: Flow Regimes

Summary: Thirteen comments concerning flow regime were submitted. The major concerns are the potential impacts of new or changed diversions on river geomorphology, riparian and aquatic habitats, river meander and flows.

Response: Potential effects on the Sacramento River flow regime will be evaluated and addressed in the EIS/EIR. A flow-regime technical advisory group has been formed to assist in the evaluation of potential impacts, mitigation, and benefits associated with North-of-the-Delta Offstream Storage related to meander and ecosystem development. The flow regime TAG will also evaluate geomorphology, meander migration, and ecosystem development associated with the operation of an offstream storage project in the Sacramento River.

Category 13: Project Yield

Summary: Five comments directly addressed project yield. The main issues raised were the yield of the project, the quantity of "new" water available, and how often do the users receive this water.

Response: Ongoing evaluations of potential project operations will help determine project yield as well as how many users the investigation can support and at what level of water use. This in turn will help in determining the cost of water to the users. As the operational flexibility of the various alternatives is developed, the values for project yield will be determined. This will be fully discussed in the EIS/EIR.

Category 14: Geology and Seismicity

Summary: There were four comments about geology and seismicity in the study area. Comments focused on the need to study the impacts of reservoir-induced seismicity and the

results of an earthquake on the local area. In addition, one comment suggested that the costs of engineering a dam and facilities to withstand the probable maximum earthquake should be fully evaluated.

Response: Reclamation and DWR will examine the potential for reservoir induced earthquakes and address this issue in the Geology and Soils chapter of the EIS/EIR. In addition, the probable maximum earthquake will be analyzed and any structures related to the storage investigation would be designed to withstand that event.

Category 15: Recreational Opportunities

Summary: Four comments addressed issues about recreational opportunities. From a local perspective, recreational opportunities at a reservoir are desirable. The local people would like to be involved with the development of the recreational facilities. In addition to the fishing and boating activities that might normally occur on a reservoir, comments were made in support of hunting in general and waterfowl hunting in particular.

Response: Issues regarding the development of various recreational activities will be addressed in the Recreation chapter of the EIS/EIR.

Category 16: Power Use and Cost

Summary: Nineteen comments addressed issues related to power use and cost. The majority of these comments were concerned with the impacts to power costs and availability if water was pumped into a new reservoir. CVP preference customers expressed concern about the economic effects of integrating a new reservoir into the CVP infrastructure.

Response: Issues related to power use, beneficial uses and impacts, power sources, project costs, and cost-sharing will be addressed in the EIS/EIR.

Category 17: CALFED Linkage

Summary: Twenty-one comments addressed linkages to CALFED. These comments mentioned the need to describe fully the linkage to the CALFED PEIS/EIR and the relationship of this investigation to other CALFED programs such as Environmental Water Account, Ecosystem Restoration Program, Conjunctive Use and Water Use Efficiency. Also mentioned is the need to consider potential problems related to tiering from the CALFED PEIS/EIR because of on-going litigation.

Response: Reclamation and DWR's work on the North-of-the-Delta Offstream Storage Investigation is proceeding as a component of the CALFED Bay-Delta Program. As committed to in the CALFED ROD, the NODOS EIS/EIR will use information from the CALFED PEIS/EIR to develop the NODOS EIS/EIR and to avoid duplicating efforts. Should litigation result in significant changes to the CALFED PEIS/EIR and ROD, additional work may be required on the NODOS EIS/EIR.

Category 18: Relationship to Other Water Projects

Summary: Fifteen comments were received addressing the relationship of this investigation to other existing and proposed water programs and projects in the State. Concern was expressed over the change in operation of the Trinity River, specifically that water from Trinity not be counted for use in the investigation. Another concern was expressed over water availability for this program versus an Auburn Dam or CVPIA or Phase 8.

Response: The EIS/EIR and supporting documents will clearly explain the need for the project, justification for the project, and the relationship of the project to other activities and programs in the State. These relationships will be evaluated in operational studies, in cumulative impact analyses, and in program alternatives.

Category 19: Flood/Emergency Reservoir Release Impacts

Summary: Two comments addressed flood control and emergency releases from a reservoir. The comments requested that the EIS/EIR quantify the impacts of the establishment of downstream flood flow capacity on downstream land use and development and the increase in the cost of the project associated with the relocation of structures and roads and levee construction.

Response: Reclamation and DWR are examining the impacts of flow releases on the downstream areas. Descriptions of emergency release channels meeting Division of Safety of Dams requirements will be included in the descriptions of dam alternatives in the EIS/EIR.

Category 20: Sites Reservoir Alternative

Summary: Sixteen comments were submitted that dealt with Sites Reservoir alternative specifically. Many of the comments expressed either general or specific support of Sites Reservoir. Several comments were submitted concerning road locations if Sites Reservoir were constructed and the effects of such relocations on access to remaining landowners and the local economy.

Response: Reclamation and DWR appreciate hearing from the various communities in Northern California and particularly the individuals who will be most affected by portions of some alternatives. Reclamation and DWR will make every effort to continue to keep you informed and involved in this process. Input on the locations of infrastructure to support a project remains important and will be sought as Reclamation and DWR develop the EIS/EIR.

Category 21: Request to be a Cooperating Agency

Summary: The Bureau of Indian Affairs (BIA) requested inclusion as a cooperating agency.

Response: Reclamation is working with BIA to include them as a cooperating agency.

Category 22: Indian Trust Assets

Summary: Tribes provided commentary concerning Indian Trust Assets at the January 23, 2002, Tribal Scoping Meeting pertaining to CALFED Surface Storage Projects. The tribes requested a government-to-government relationship evolve as indicated in the CALFED Record of Decision and as recognized by Department of Interior policies.

Tribes indicated concern about their water rights, current water supply and future availability/access to water. Tribes were concerned about the quantification of tribal water rights and the potential degradation of water quality and the depletion of tribal groundwater potentially related to the CALFED Surface Storage Projects.

Tribes wanted additional information about how and where CALFED Surface Storage Projects would operate, such as location of conveyance systems used, and how the projects would operate during dry years.

Tribes are very concerned about the kinds and types of mitigation that may be implemented if impacts to Indian Trust Assets (such as water) or Cultural Resources are discovered in the planning process. Tribes want to participate and contribute to discussions pertaining to alternatives and impacts regarding CALFED Surface Storage Projects.

Response: Reclamation and DWR are coordinating guidelines that would be adhered to when working with tribes on CALFED Surface Storage Projects. The U.S. must consult with tribes when a federal project potentially impacts the trust assets of tribe(s). The CALFED ROD also indicates that CALFED agencies, both state and federal, will consult with federally recognized tribes on a government-to-government basis.

Category 23: Cultural Resources

Summary: Tribes expressed concern about the impacts CALFED Surface Storage Projects (such as Sites and Shasta) would have on cultural resources, sacred sites, traditional properties and gathering areas, including the use and access to such sites where traditional cultural practices occur. Tribes are also concerned on how confidentiality will be maintained regarding information they provide to the United States regarding such cultural resources.

Response: In compliance with Section 106 of the National Historic Preservation Act Reclamation will consult with tribes to determine if properties which may be of religious and cultural significance to them and may be eligible to the National Register of Historic Places are present within the area of potential effect. Federal laws allow for confidentiality of information concerning an undertaking and its effects on historic properties and can be used to protect the privacy of non-governmental participants (36 CFR 800.11(c)).

Category 24: Newville Reservoir Alternative

Summary: Twenty-four comments were submitted that were specific to the Newville Reservoir alternative. In general these comments were in opposition to the current Newville Reservoir formulation. Many local residents are concerned that the reservoir will have devastating impacts on the environment and wildlife and fish habitat and the proposed access roads will disrupt the diverse wildlife habitat and cattle. In addition, local residents are concerned that the reservoir will destroy the area's cultural and historical landmarks and resources.

Response: Reclamation and DWR will consider these comments during the alternatives screening process. The results of the screening process will be discussed at future public meetings.

Category 25: Issues Not Addressed in this Environmental Document

Summary: Two comments were identified as issues that will not be addressed in the EIS/EIR. The first comment dealt with costs associated with increased staff time to review environmental documents at a county level. The second comment mentioned the possibility of incentives to encourage local farmers to exchange their gas or diesel powered water pumps for electrical powered pumps in an effort to help reduce air pollution.

Response: It is understood that local governments will utilize resources in their review of environmental documents. This type of activity is part of the normal duty that county or city staff members perform and the costs associated with review of this type of investigation are not reimbursable by lead agencies under NEPA or CEQA.

This investigation deals with water supplies and water use. Incentives for changing the types of pumps used to move water are outside the scope of this investigation and will not be examined under NODOS. There are other programs being implemented by Air Quality Management Districts and Environmental Protection Agency to compare different types of mechanical equipment in order to improve air quality.